



April 2, 2009

Commissioner of Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

To Whom It May Concern:

Please find enclosed Notice of Opposition to Application Serial No. 76692655, mailed first to the Commissioner on March 26, 2009 and returned by the US Postal Service to sender on April 2, 2009 (please see enclosed envelope). Therefore, I respectfully would like to submit the enclosed Notice of Opposition together with the applicable fee of \$300.00. The Applicant was served in a timely manner on Friday, March 27, 2009.

Sincerely,



Tanja Grzeskowitz



04-06-2009

U.S. Patent & TMO/CA/TM Mail Rept Dt #20

Certificate of Service

I hereby certify that a true and complete copy of the foregoing Notice of Opposition has been served on Cowan, Liebowitz & Latman, P.C. by mailing said copy on March 26, 2009, via FedEx overnight delivery to: Cowan, Liebowitz & Latman, P.C., Attention: Roberto Ldesma, 1133 Avenue of the Americas, New York, NY 10036-6799

Signature: _____

Tanja Grzeskowitz, Esq.
The New York Racing Association, Inc.

Date of Signing: March 26, 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No.76692655
Filed on 09-09-2008
For the Mark "THE BIG A"
Published in the *Official Gazette (Trademarks)* on January 27, 2009

The New York Racing Association, Inc.,

Opposer,

Opposition No. _____

v.

Angels Baseball LP,

Applicant.

Commissioner for Trademarks
2900 Crystal Drive, 9th Floor
Alexandria, Virginia 22313-3551

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2900 Crystal Drive, 9th Floor
Alexandria, Virginia 22313-3551

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300.00 DP

NOTICE OF OPPOSITION

Dear Commissioner,

Opposer, The New York Racing Association, Inc. ("NYRA" or "Opposer"), a corporation duly organized and existing under the laws of the State of New York and having a principal place of business at Aqueduct Racetrack, 110-00 Rockaway Blvd., P.O. Box 90, Jamaica, New York 11417, believes that it will be damaged by registration of the mark "THE BIG A" in Goods Class 25 as shown in Application Serial No. 76692655, filed by Applicant, Angels Baseball LP, a California limited partnership comprised of Moreno Baseball, LP, a California limited partnership, its general partner

(the "Applicant"), located at 2000 Gene Autry Way, Anaheim, California 92806, and hereby opposes the same and requests that registration to Applicant be refused.

As grounds for its opposition, Opposer alleges that:

1. Applicant, a major league baseball team, seeks to register a mark which consists of the term "THE BIG A" for use in connection with "clothing" in Class 25.
2. Opposer has obtained the necessary extension of time in which to file this Notice of Opposition.
3. NYRA is a not-for-profit corporation that operates the three largest racetracks in New York: Belmont Park, Saratoga Race Course and Aqueduct Racetrack. NYRA conducts thoroughbred horseracing and wagering all year at one of its three racetracks. NYRA hosts the third of the Triple Crown races, The Belmont Stakes, which is televised by ABC Television Network, at Belmont Park every year.
4. Since 1959 the Opposer has continuously used the name "THE BIG A" as a trademark and service mark in its business of operating and conducting horse racing and pari-mutuel betting at Aqueduct Racetrack in Queens, New York. Opposer uses the mark "THE BIG A" on various classes of services and goods, including Class 25 – Clothing. Aqueduct Racetrack, or as it is also referred to - The Big A-, has been the focus of recent national media attention due to plans to install video lottery terminals at the racetrack.

5. NYRA has used the mark "THE BIG A" in connection with its specific goods and services in commerce since 1959 and is, therefore, the first and senior user of the mark and should be granted protection for its use of the mark "THE BIG A."
6. The term "THE BIG A" is primarily understood as a source identifier for NYRA's horse racing events at Aqueduct Racetrack in Queens, New York. The mark "THE BIG A" is inherently distinctive as a trademark, since in the horseracing - and the world of sports in general - the mark "THE BIG A" has no primary language meaning
7. Opposer uses the mark "THE BIG A" in advertisement for its products and in the sale of goods in all 50 States of the US. Consumers all over the world are familiar with the mark and its association with NYRA. NYRA's live horse racing product is simulcast to 37 States within the US, including California, and horse races at Aqueduct Racetrack, where NYRA conducts live horse racing for seven months out of the year are strongly associated with the mark "THE BIG A." Therefore, the Opposer as the senior user of the mark has gained common law rights for the use of the mark "THE BIG A" in all 50 states.
8. Opposer sells through its store on its premises in New York and through its online store at www.nyra.com clothing items and promotional items with the mark "THE BIG A" on it. Purchases from the online store can be made from all 50 states of the US and internationally. Applicant's use of the mark within the same territory and used upon the same class of goods would lead potential purchasers upon seeing the mark "THE BIG A" to mistakenly believe that the product originated with or is connected or associated with, or sponsored, licensed or approved by

Opposer. Thus the registration and use by Applicant of "THE BIG A" mark in connection with its proposed goods for all channels of trade and all types of prospective purchasers will cause confusion, mistake, or deception in violation of 15 U.S.C. § 1114.

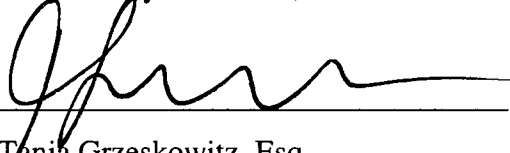
9. The mark "THE BIG A" which Applicant seeks to register is identical to Opposer's mark "THE BIG A." Further, the Applicant's goods with the proposed mark "THE BIG A" on it are substantially the same, if not identical, to the Opposer's goods, albeit serving as advertisement for a different sport. Thus, registration by Applicant is likely, not only to cause consumer confusion, but also to diminish and dilute the distinctive quality of Opposer's rights in "THE BIG A" in violation of 15 U.S.C. §1125(c). The registration by Applicant is also likely to diminish the advertising value of the Opposer's mark "THE BIG A" by lessening the famous mark's capacity to identify and distinguish NYRA's good and services, regardless of competition between the parties.

10. WHEREFORE, Opposer requests that this Opposition be sustained and
Application Serial No. 76692655 be refused registration.

Please find the applicable fee of \$300.00 enclosed.

Dated: Queens, New York
March 26, 2009

Respectfully submitted,



Tanja Grzeskowitz, Esq.
The New York Racing Association, Inc.
Associate Counsel
110-00 Rockaway Blvd.
Jamaica, NY 11417
Tel.: (718) 659-2387
Fax: (718) 641-9068

Certificate of Mailing

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, 9th Floor, Alexandria, Virginia 22313-3551, on:

Date of Mailing Document: March 26, 2009

Name of applicant, attorney: Tanja Grzeskowitz, Esq.

Signature: _____

Date of Signing: March 26, 2009

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2900 Crystal Drive, 9th Floor
Alexandria, Virginia 22313-3551

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Tanja Grzeskowitz

110-00 Rockaway Blvd.
Jamaica, NY 11417

Mailed: February 9, 2009

Serial No.: 76692655

ESTTA TRACKING NO: ESTTA265253

The request to extend time to oppose is granted until
3/28/2009 on behalf of potential opposer **The New York
Racing Association, Inc.**

Please do not hesitate to contact the Trademark Trial and
Appeal Board at (571)272-8500 if you have any questions
relating to this extension.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to
oppose, notices of opposition, petition for cancellation, notice
of ex parte appeal, and inter partes filings are now available
at <http://estta.uspto.gov>. Images of TTAB proceeding files can
be viewed using TTABVue at <http://ttabvue.uspto.gov>.

TRADEMARK TRIAL AND APPEAL BOARD RULE CHANGES

The USPTO has issued new rules pertaining to TTAB
proceedings. Parties are urged to familiarize themselves
with the new rules.

Among other changes, for any notice of opposition filed on
or after November 1, 2007, the new rules require an opposer
to provide proof of service of the notice of opposition
upon the applicant at the time the notice of opposition is
filed. Trademark Rule 2.101. (Parallel amendments to
Trademark Rule 2.111 require a petitioner to include proof
of service of the petition for cancellation.) Service may

be made by any of the means set out in Trademark Rule 2.119(b). A certificate of service is adequate proof of service; service by a process server is not necessary. A notice of opposition (or petition for cancellation) filed without a certificate of service will not be instituted.

The notice of final rulemaking and a chart summarizing the changes contained in the notice are available for viewing on the TTAB web page:

www.uspto.gov/web/offices/com/sol/notices/72fr42242.pdf

www.uspto.gov/web/offices/com/sol/notices/72fr42242_FinalRuleChart.pdf

EXHIBIT B

A Great Day at The Big

Saturday, March 7

Fantastic Live Racing & Top Simulcast Races

Live at Aqueduct

***Toboggan (G3), Gotham (G3),
and a \$250k Guaranteed Late Pick 4***

Featured Simulcasting from Santa Anita

Three Graded Races including the

Santa Anita Handicap (G1) and Santa Anita Oaks (G1)

Aqueduct will stay open through the Santa Anita Handicap!



AQUEDUCT



The New York Times

SEPTEMBER 6, 1959 • SECTION 10

Advertisement

Advertisement

new
AQUEDUCT



OPENING SEPTEMBER 14: THE WONDER TRACK OF THOROUGHBRED RACING!

Minneapolis. Moving in to

(81). Vikings won, 29-10. (AP Wirephoto)

J) and Carl Eiler

Hobeau Farm Sweeps Both Ends of Big A Stake

By LOU O'NEILL

On a Spring-like afternoon with the temperature at 63, New York racing fans numbering 38,225 turned out for the season's final Saturday at the Big A yesterday and saw Hobeau Farm's Peace Corps and Knight in Armour sweep both divisions of the December Handicap.

This new stake, made necessary by the extensions of the season, marked the 240th day of the longest New York turf campaign in history. Three days remain before the curtain comes down on racing. The 1972 thoroughbred racing season will start on Wednesday, March 1, the earliest opening in history.

In the first division of the December, Peace Corps, well-rated by Chuck Baltazar, closed fast from sixth place in a field of seven to win going away by four lengths. Sunnyhill Farm's Misty Monday came from far back to take second, three and a half lengths ahead of Al-Jo Stables' Boone the Great. The favorite Towzie Tyke from Hickory Tree Stable quit badly and was beaten nine lengths after leading for six furlongs.

PEACE CORPS, the second choice, paid \$6.80, \$3.80, \$3.00. Misty Monday returned \$4.60, \$3.20, and Boone the Great was worth \$4.60. The victor netted the Hobeau Farm \$12,420 out of a gross of \$20,700.

Peace Corps, winning the second stake of his career, now has earnings of \$190,344 on a 9-7-11 record in 38 starts. His time for the mile on a good track, under the top weight of 122 pounds, was 1:36. Hobeau acquired him via a private sale from Alfred G. Vanderbilt as a two-year-old.

Jorge E. Castro's Aquinaldo, an import from Puerto Rico, made his U.S. bow in the first division of the December under Eddie Belmonte but beat only one horse.

The second Hobeau score, won by four-fifths of a second faster than Peace Corps' time, saw Knight in Armour, ridden by Michael Venezia, registered by a widening margin of one and a half

and \$4.20 and Tumble Lark \$3.80.

KNIGHT IN ARMOUR, like Peace Corps acquired at a private sale, was making his 28th start. He has eight wins, three seconds and seven thirds.

Of the winners, Jockey Baltazar on Peace Corps said:

"He was running very easily on the backstretch and I had a light hold to keep him from taking the lead too early. I gave him his head at about the three-eighths pole and he just went away without any trouble."

The victory puts Baltazar in the lead for stake victories by a jockey at NYRA tracks this year with nine.

Jockey Mike Venezia on Knight in Armour:

"He's a one-gaited type horse and came on to take the early speed. I started to go around coming to the head of the stretch, but saw a hole and ducked to the inside. Once clear I switched the whip and he kept going."

ARTHUR E. REINHOLD'S Lesbob, claimed two races back, ran down Lanyon in the stretch to win the first race by a length and a half. Talking Leaves was third. The favored Loyal Subject finished a dull fifth. The winner was \$7.60 second choice and was ridden by Angel Cordero, Jr.

In the second race, Charles Di Fini's Dictar's Boy made it two in a row after failing to score for the entire season prior to Dec. 7. Trident, coupled with Up The Chimney, trailed the winner by a length and a quarter and Briarcliff Prince was third. Braulio Baeza was aboard the winner, a \$6.00 second choice. The double of Lesbob and Dictar's Boy returned \$43.40.

CLUBHOUSE CHATTER — Borough President Donald R. Manes has proclaimed Wednesday "Fred Capossella Day" in Queens . . . That afternoon, "Cappy" will wind up a 31-year announc-

Advertisement

Advertisement

Welcome to Aqueduct . . .



George D. Widener *John W. Hanes*
 GEORGE D. WIDENER
 Honorary Chairman
 JOHN W. HANES
 President

THE Trustees of the New York Racing Association extend to you a warm welcome to Aqueduct. We hope you will share our enthusiasm. Nothing has been spared to make this the most comfortable and finest race track in the country.

The opening of Aqueduct is the climax of a project begun in 1953 to rehabilitate Thoroughbred racing in New York State.

The new track is a tribute to the foresight of the State Racing Commission, which many years ago recognized the threat that obsolete tracks posed to thoroughbred racing in the state. This situation initiated a new approach to the problem.

It is also a tribute to the Jockey Club, which devised the non-profit formula making it possible to rehabilitate the racing plants without reducing income to New York State and continue the sport under private operation.

And finally, it is a tribute to the state officials who approved the program and enacted the legislation which made the proposal possible.

Its opening provides ample evidence of the soundness of the unique way in which government and private enterprise, acting in concert, have recognized a problem and solved it, and averted the financial crisis facing Thoroughbred racing such a short time ago.

At Aqueduct, we have not only

built a plant which brings racing in New York up to date, but we have built for the future as well. With a capacity of 80,000 persons, it will accommodate a growing number of people who have already made Thoroughbred racing the most popular spectator sport in the country.

We believe Aqueduct will increase greatly the public's interest in Thoroughbred racing and that it will enhance New York's competitive position. To do this, we are going to offer some of the most exciting racing programs in the history of the sport. During the Aqueduct meet—September 14 through November 30—purses for stake races will amount to \$1,387,500—the largest amount ever appropriated for a comparable season.

The devoted work of our employees in carrying out the Trustee's efforts to discharge their duties to the public and to the sport deserves special commendation. Because of their efforts, we have brought to reality what was little more than a dream less than five years ago.

The New York Racing Association was organized to do a job and the job is being done. Thoroughbred racing in New York is again on the upgrade and with the opening of the new Aqueduct, New York can again rightfully claim its traditional position as the unquestioned leader in Thoroughbred racing.

The Big "A" is here and we hope you will like it and visit it frequently.

Board of Trustees, New York Racing Association

GEORGE H. BOSTWICK
 JAMES COX BRADY
 C. T. CHENERY
 JOHN C. CLARK
 WALTER D. FLETCHER
 JOHN W. GALBREATH
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 JOHN M. SCHIFF
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 F. S. VON STADE
 JOSEPH WALKER, JR.
 JOHN HAY WHITNEY
 GEORGE D. WIDENER

The New York State Racing Commission

ASHLEY T. COLE,
Chairman
 WILLIAM C. LANGLEY,
Commissioner
 EDMOND M. HANRAHAN,
Commissioner

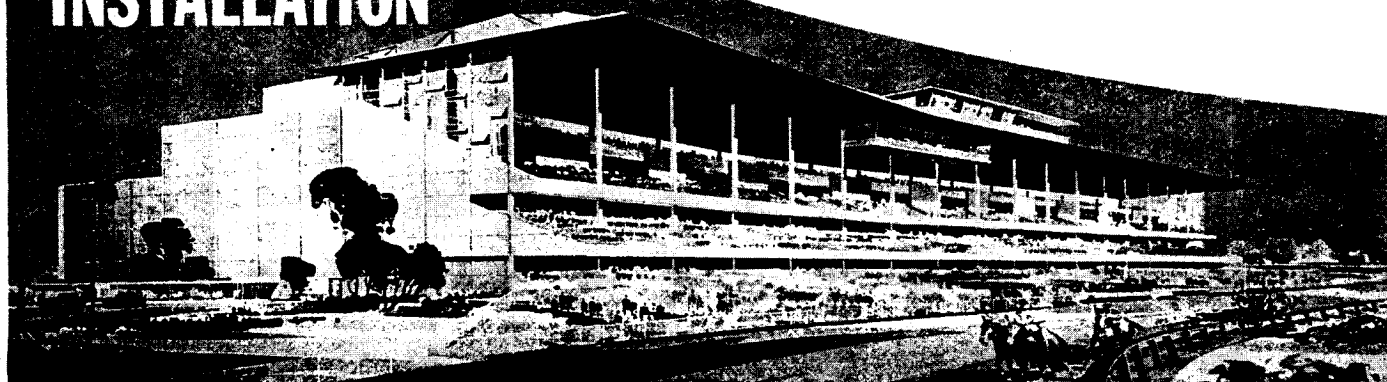
FISCHBACH AND MOORE, INC.

T. FREDERICK JACKSON, INC.

A joint venture

NEW AQUEDUCT TRACK

COMPLETE
 ELECTRICAL
 INSTALLATION





"Weather Clear... Track Fast!"

And they're off again at Aqueduct . . . where, literally, everything's new from the ground up! New tracks, new grandstand and clubhouse, new stables and dormitories.

On this \$33,000,000 project, Stone & Webster Engineering Corporation served as Engineers and Project Managers for the New York Racing Association and was responsible for effecting its complete design and construction. Arthur Froelich & Associates were retained as architects for the work.

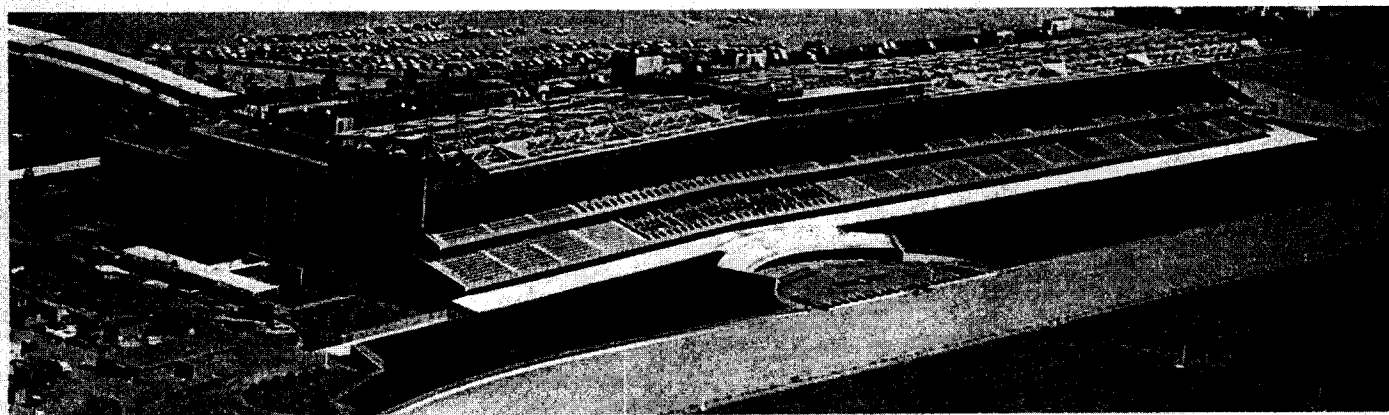
Whether you plan to build a race track, oil refinery, power plant, factory, industrial or other building, Stone & Webster has the versatility based on broad experience that can cut construction costs and build operating efficiencies for you. Please call or write our nearest office.



**STONE & WEBSTER
ENGINEERING CORPORATION**

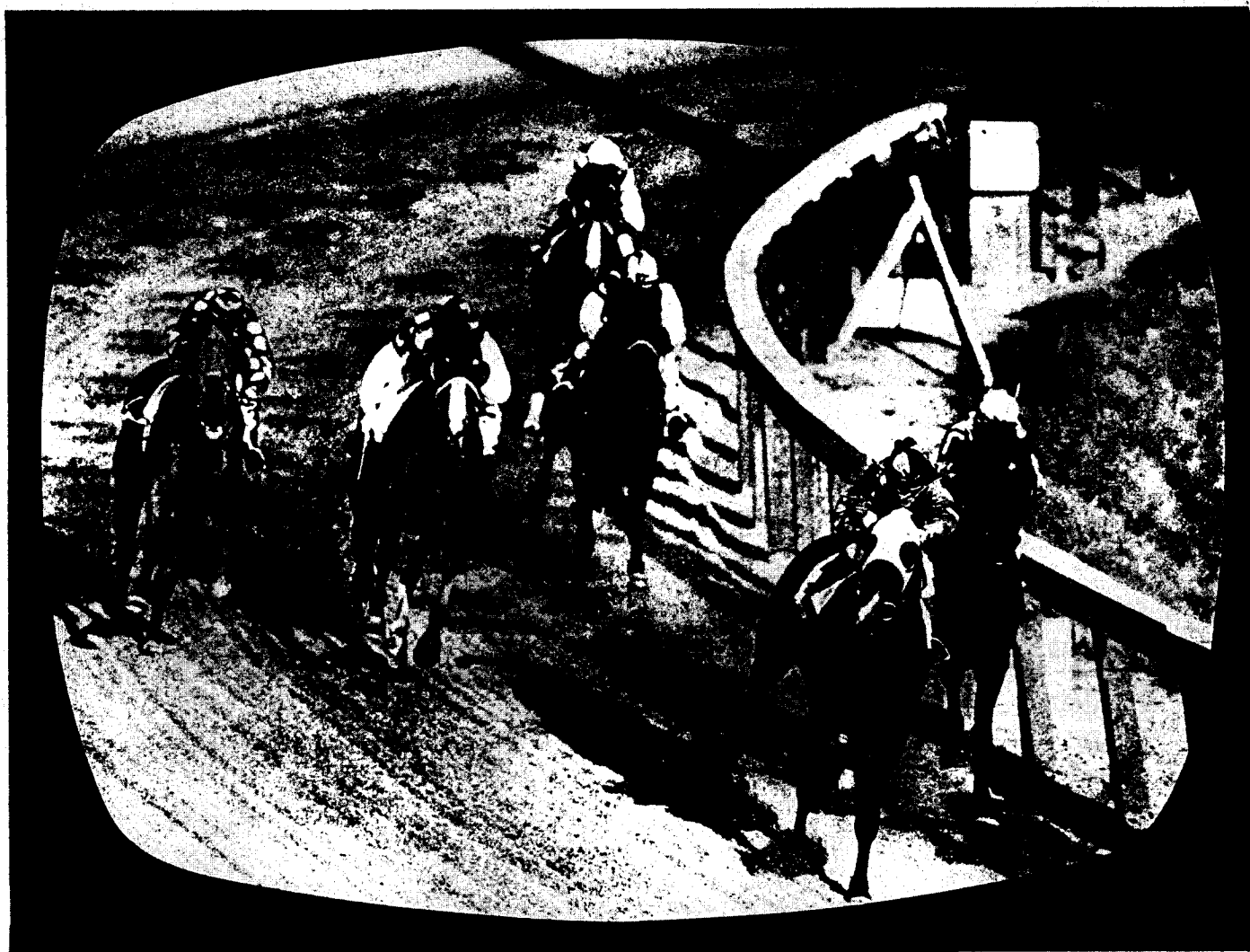
A SUBSIDIARY OF STONE & WEBSTER, INC.

New York Boston Chicago Pittsburgh Houston San Francisco Los Angeles Seattle Toronto



IMPROVING THE BREED WITH RCA ELECTRONICS

ANOTHER WAY
RCA SERVES YOU
THROUGH
ELECTRONICS

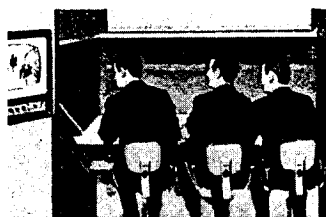


Judges get extra eyes—memory like an elephant's. Here's how an RCA closed circuit TV system helps judges make fast, accurate decisions and post official results promptly. Television cameras at several vantage

points around the track "see" the race along with the judges. Bright, clear pictures like this are recorded on television tape—patrol judges' comments, too—to give the judges an unfailing memory of each race.



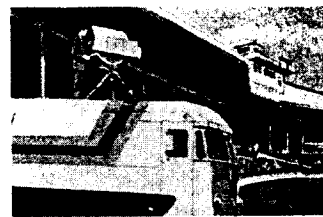
TV Director selects the best pictures from cameras covering the track and feeds them to TV monitors in closed circuit system and to the television tape recorder. The director can also feed pictures to TV stations for public broadcasts.



Immediate Playback. If there is a protest, the judges can have the race played back, along with patrol judges' comments—in a matter of seconds. They watch the TV monitor in their quarters and can phone their official decision with minimum loss of time.



TV Monitors in Public Places at Track. Patrons can view the races in the restaurant or in other public places where it might be convenient and helpful to locate TV monitors. A TV monitor can also be located in the press box to help sports writers.



Permanent Installation or Mobile Units—even Color TV. RCA closed circuit TV systems can be installed permanently, are also available as mobile systems—in black-and-white or color—which may be shared by tracks whose seasons do not overlap.



RADIO CORPORATION OF AMERICA

Advertisement

Advertisement

Man o' War's Greatest Race

WHENEVER race fans get together to reminisce about great races, they invariably recall two classics run at old Aqueduct.

One was the famous triple dead heat—the only one ever recorded for first place in a stakes race—in the Carter Handicap on July 10, 1944. This was the contest in which Brownie, Bossuet and Wait a'Bit all hit the finish wire simultaneously. A length and a half back, four other horses finished heads and necks apart in one of the greatest finishes of all turf history—a tremendous tribute to the then track handicapper, the late John B. Campbell, who assigned the weights.

The other race was the thrill-packed two-horse contest between Man o' War and John P. Grier on July 10, 1920. Technically, this was not a match race because both horses were competing in the Dwyer Stakes. But one by one, other owners were frightened off by Man o' War's great record and refused to challenge for the \$4,850 top prize, and the Dwyer, for all practical purposes, became a match race.

Man o' War 'Cap Oct. 24

It was Man o' War's tremendous performance in this race, as well as his overall record, that led the New York Racing Association to name a rich stake race after "Big Red"—the \$100,000 Man o' War Handicap to be run at new Aqueduct

for the first time on Saturday, October 24.

Man o' War, a red chestnut colt with a star and indistinct short gray stripe on his forehead, had been bred by August Belmont before being sold to Samuel Riddle in 1918.

Reproached Trainer

When Mr. Riddle first saw Man o' War at the Saratoga auction in 1918, he is said to have reproached his trainer for having told him that all of Mr. Belmont's yearlings were under-sized.

"Surely this colt is big enough," he said.

"But," replied the trainer, "I don't remember seeing this colt when Mr. Belmont showed us the lot in Kentucky."

The owner put two and two together and presumed that Mr. Belmont had intended to hold Man o' War back from the sale. This made him all the more determined to buy the colt, and eventually a price of \$5,000 was agreed upon.

Man o' War was a most difficult colt to break. According to his trainer, Louis Feustel, he fought "like a tiger" and it took several days for the riders to handle him with safety. After being thoroughly broken, Man o' War became easy to handle, however, and showed tremendous bursts of speed in early gallops.

A hearty eater, he stacked away 12 or 13 quarts of oats every day, as well as all the hay his handlers would give him.

As a two-year-old, Man o' War won 9 out of 10 races. The only defeat of his career was inflicted that year at Saratoga by a horse appropriately named Upset, to whom he gave away 15 pounds. Racing luck played a large part in this race, and Man o' War subsequently beat Upset on at least three other occasions.

Toughest Race

As a three-year-old, Man o' War won his first four races, including victories in the Preakness and Belmont, before taking on the Brookdale Stable colt, John P. Grier, in the Dwyer. This was to prove the toughest

race of Man o' War's racing career, for John P. Grier—which had run second to "Big Red" in the Futurity the year before—also came to Aqueduct with a most impressive record.

Man o' War, at 126 pounds, was the favorite, but Grier, 18 pounds lighter, was well backed at 5 to 2. As the time of the race approached, rumors swept through the crowds that Man o' War was not at his very best.

The owner's instructions to jockey Clarence Kummer were to "lay along with Grier all the way, and if you find you can win, don't try to ride him out but just be satisfied with a length or two."

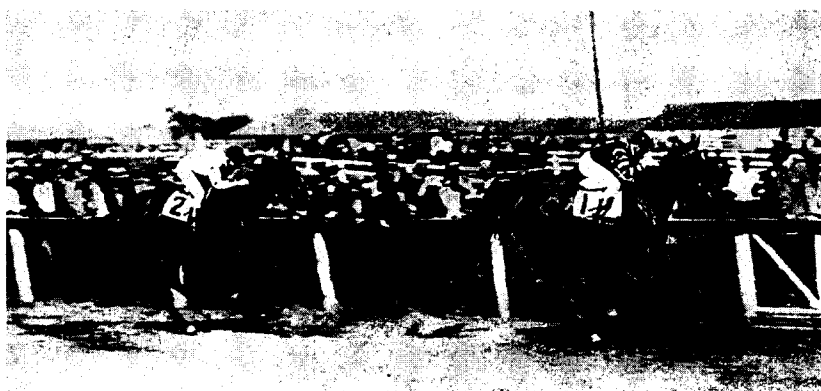
As the race started, John P. Grier, with Ed Ambrose riding, matched Man o' War stride for stride. Unable to shake off the

dogged Whitney colt, Man o' War had only a neck's lead at the mile mark. Then, with only an eighth to go, Grier made his move and the cry went up, "Grier wins!"

But the call was premature and Man o' War, in a final burst, won going away by a length and a half, setting what was then a new record for the mile and an eighth of 1:49 1/5.

It was during this race that Man o' War received his nickname of "Big Red." According to one story, Man o' War's trainer tried to run along with Man o' War in the infield near the finish, and took a fall. Unable to see the finish, he asked his companions, "Did Big Red make it?"

The answer was "yes" and thus was born a famous nickname.



Man o' War pulls away from John P. Grier in historic race.

Aqueduct: 65 Years Ago

WHEN the original Aqueduct race track opened on its present site nearly 65 years ago—on September 27, 1894, to be exact—the event rated only two or three inches of space in New York's newspapers.

Press estimates of the crowd varied from 700 to 2,000—but all the papers agreed on at least one item—that nine bookmakers were present and that all did a satisfactory business—especially the bookie who handled 50-cent bets only.

In sharp contrast to the new ultra-modern grandstand-clubhouse of today, the old Aqueduct grandstand resembled one at a country fair—and what passed for a clubhouse was described by an observer as "a shanty held up by stilts."

The opening day's card consisted of six races—at either five or six furlongs, each for a \$200 purse. One reporter wrote that the sport was "of the tamest nature and the quality of races anything but high."

One reason for this was that

the Jockey Club, which had been incorporated only that same year, had refused to sanction the Aqueduct meeting.

Sanction Withheld

The Jockey Club had no objection to the sponsors—The Queens County Jockey Club—but withheld sanction primarily on the grounds that Aqueduct was only a six-furlong track and that only ovals of one mile or more would be recognized.

The Queens County group had spent much of its limited capital in regrading, widening and lengthening the track (from a half-mile to six furlongs), and in enlarging the grandstand. The Jockey Club's decision to withhold sanction thus came as a shock because it meant that

few owners, trainers or jockeys would risk suspension by running at an unrecognized track. This, in turn, meant that Aqueduct would be unable to obtain the better grade of horses for its programs.

Nevertheless, the Queens group decided to go ahead with a 12-day meeting, running under the purpose of this was to show a willingness to cooperate with the Jockey Club. At the same time, it reflected Aqueduct's hope that approval of a sanctioned meeting would be granted in the future.

Horsemen found the going rough during that first meeting. Indeed, the meeting was completed only because of the presence of other nearby unsanctioned tracks which provided the horses, riders and officials.

Shuttle to Maspeth

One of these tracks was at Maspeth, which was denied a sanction because it operated at night under lights. It was close enough to Aqueduct to provide the bulk of horses to race, and many a horse broke down those days trying to run at Aqueduct in the afternoon and at Maspeth at night. The jockeys performed double duty, too.

Despite all handicaps, the inaugural meeting proved successful. As a result, when the association opened another 12-day meet in the spring of 1895, the stands were freshly painted and the racing strip widened. And by the time the fall meeting opened, the Jockey Club reversed itself and voted to permit Aqueduct to operate as a sanctioned track.

This brought in competent officials, recognized horsemen, good horses and jockeys—and Aqueduct was on its way to becoming an important part of New York racing's "Big Apple."

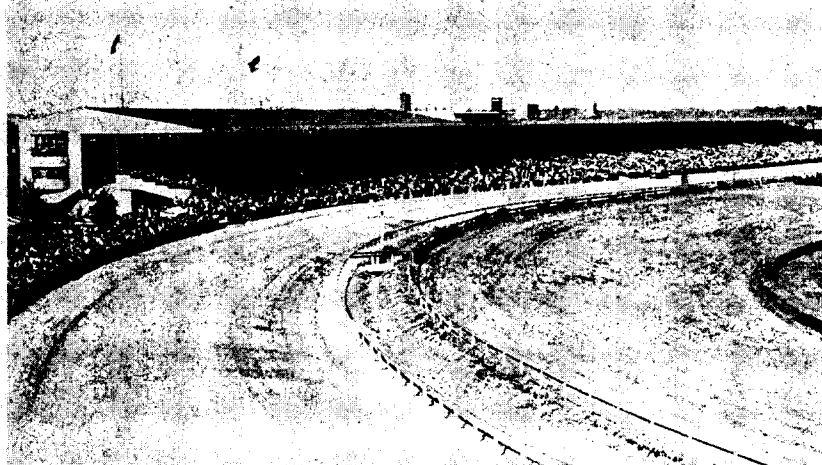
Big "A" Continues Jump Classics

Jumping races, an old and honored part of the sport of Thoroughbred racing, were always an integral part of racing at the old Aqueduct. Some of the greatest timber toppers the turf has ever known raced there, including the great Elkridge, to many still the best.

Now, in the aura of the glamorous new Aqueduct, the jumpers will be given their proper importance also. Inside the main mile and one eighth dirt course is a seven-furlong steeplechase and hurdles course, the jumps and the turf constructed with the utmost care and out of the best experience.

To the new course has been switched some of the more venerable jumping stakes, which were earlier held not only at the old Aqueduct, but Belmont Park as well. Among them is the historic Grand National, a demanding test to be run at Aqueduct over the searching distance of three and one-eighth miles on Oct. 22. There is no more rugged test of a jumping horse.

This advertising section was prepared by The New York Racing Association to tell the story of the new Aqueduct.



Old Aqueduct before it was demolished for completely new wonder track.



A VISION FULFILLED...

AQUEDUCT—America's Newest and Largest Thoroughbred Racing Track

This Dream Track is the realization of the vision and imagination of John W. Hanes, president of the New York Racing Association, Harry F. Guggenheim and Christopher T. Chenery. These men in 1954, as a three-man Jockey Club committee, outlined a daring \$100,000,000 plan to rebuild New York State's Race Tracks and give New York facilities second to none. That dream has been fulfilled.

Our part...

Site Grading / Utilities / Roads / Foundations
Landscaping / Parking Areas and the Track itself

TULLY & DiNAPOLI INC. GENERAL CONTRACTORS

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Odds-On Favorites At Aqueduct? The Ladies!

WOMEN have been a prominent part of the American racing scene ever since the 1650's, when Colonial ladies of Long Island gathered on Hempstead Plain to watch their menfolk race Thoroughbreds newly imported from England.

The thrills of Thoroughbred racing, combined with its colorful traditions, have always had a strong attraction for the feminine sex. In fact, the world's most famous racing fan is a woman. When she isn't traveling on a good-will tour, Queen Elizabeth spends many of her free moments in the royal box at Ascot.

Women find in the Sport of Kings an excitement and pageantry unequalled by other sports—whether they are highly knowledgeable Thoroughbred owners like Mrs. Isabel Dodge Sloane and Mrs. Elizabeth Arden Graham or a neophyte who doesn't know a furlong from a fetlock.

One woman, who attends the races at least once a week, contends that watching the Thoroughbreds run eases her own personal tensions. She trades them, at least temporarily, for the more pleasurable ones that

build up as the horses come down the homestretch. Another fan, who is fond of playing long shots, says it's as stimulating as shopping for bargains and "much more exciting when you get one."

Horse racing, like no other spectator sport, gives play to that fabulous perception known as women's intuition. Racing fans of the male sex may take a superior attitude about a



America's most smartly dressed women are seen at rail and paddock. Mrs. Thomas N. Bancroft, Senior arrives for an afternoon of racing thrills.

woman's method of choosing a horse, but women know that a horse's name or the color of his rider's silks is as effective a clue to a horse's ability as any complicated masculine system.

Ask the Ladies

Many a man, after spending hours studying performance charts to no avail, has discovered that his wife, who picked the winner, chose him because she liked the expression of sincerity on the horse's face. Wise men know that the power of a woman at a race track should never be underestimated. And particularly if she has never been to the races before.

Thus, for a variety of reasons, women are flocking to the track in ever increasing numbers, either with male escorts or in distaff groups. Imaginative hostesses, always on the lookout for the unusual in party ideas, are discovering that an afternoon at the races, preceded by luncheon in one of the attractive dining rooms, is a unique way to entertain. Feminine togetherness at the race track may have been started by garden clubs which have long been arranging for their members to take escorted tours which combine horticultural

with pari-mutuel instruction.

The New York Racing Association has taken cognizance of the tremendous increase in women patrons by providing a special lounge at Aqueduct reserved exclusively for women. There they can relax in attractive surroundings and peruse the entries in the next race free from masculine interference. Feminine influence is also apparent in Aqueduct's gay, colorful decor. A woman is decorator-designer for the track and she has used over 200 color shades, in addition to luxurious furnishings and draperies with a bright, modern feeling.

Fashion Day September 15th

The importance to Aqueduct of women's patronage is reflected in one of the major events planned for opening week. Tuesday, September 15 has been designated as Fashion Day. Women will be admitted to the clubhouse on that date for \$2.50, one-half the usual admission. Before the races, a fashion show featuring Fall fashions by great American designers will be staged by the International Silk Association in the paddock, located directly in front of the grandstand.



Mrs. August Belmont, wife of the founder of Belmont Park, strolling toward the clubhouse at the race-track in 1912.

Although fashion at the race track is somewhat more casual today than when Eliza went to Ascot, some of America's most smartly dressed women are seen at rail and paddock. However, since Thoroughbred racing is America's No. 1 spectator sport, there is a wide range in the type of costume women wear to the races. But whether she's dressed formally or casually, milady will be queen at the new Aqueduct.

BRICK WORK and BLOCK MASONRY
by

JOHN B. KELLY INC.

101 PARK AVENUE

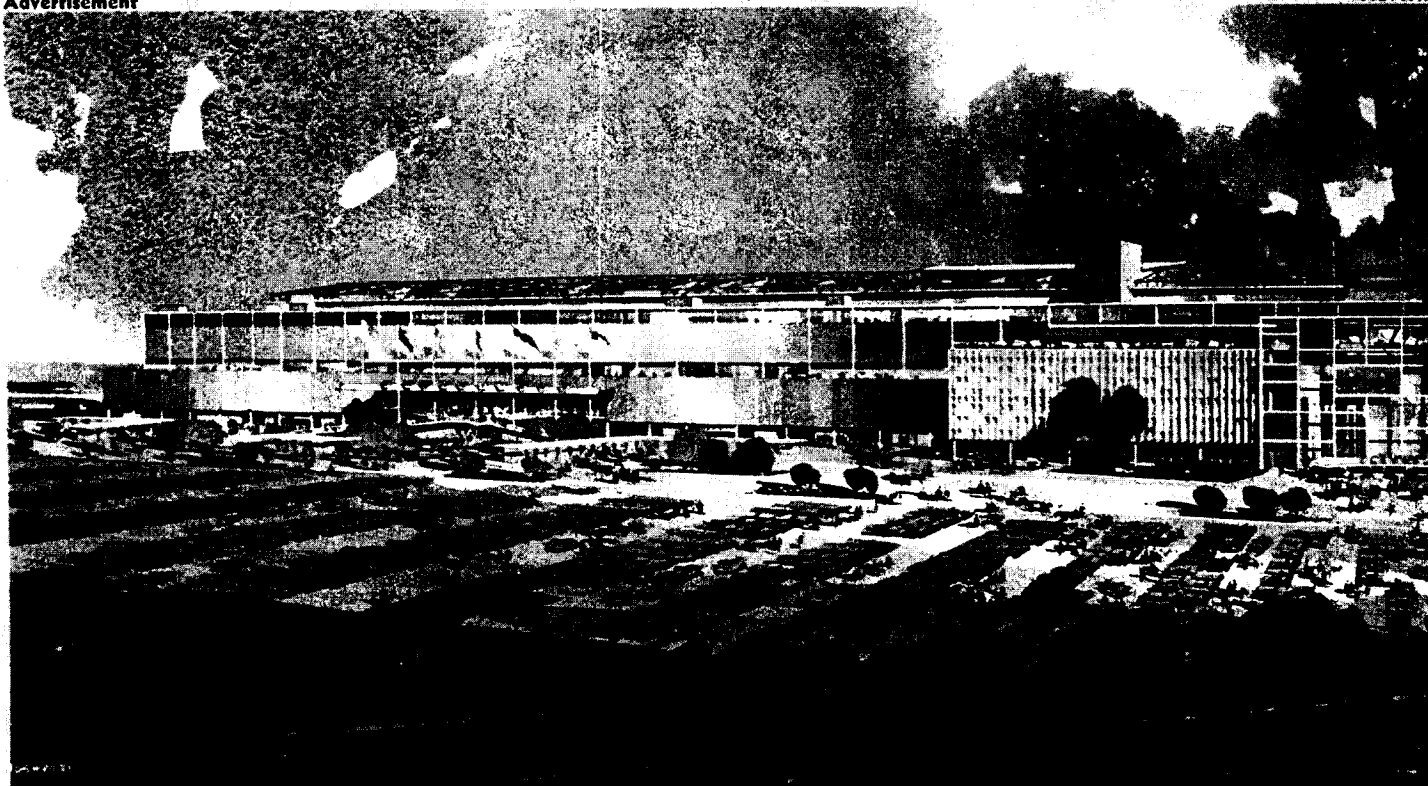
NEW YORK 17, N. Y.



WE ARE HAPPY TO HAVE HAD A PART IN BUILDING THE NEW *Aqueduct*

Advertisement

Advertis



Aqueduct's grandstand-clubhouse is nation's largest race track structure. It covers seven acres and has approximately one million square feet of floor space. There are 20,000 seats for viewing the race under cover, plus additional thousands of seats in gardens, terrace and lounge areas.

This is Aqueduct, New Wonder Track of Thoro

Built for tomorrow, New York's new \$33 million turf capital co



Directions—by subway, IND Rockaway line to track. By auto—L. I. parkways towards Idlewild (Aqueduct is one mile west of Van Wyck-Shore Parkway cloverleaf). Also L.I.R.R., bus service.

SPECTACULAR Aqueduct, the New York Racing Association's new \$33,000,000 monument to Thoroughbred horse racing opening September 14, offers the largest and most modern facilities ever provided for the enjoyment of Thoroughbred racing in America.

Designed to accommodate 80,000 persons, Aqueduct is not only a composite of the most popular and desirable features found at top race tracks all over the world, but also boasts many interesting design innovations of its own.

The first is the tremendous size—and beauty — of the grandstand-clubhouse structure.

In length, this building is 1,050 feet—approximately one-fifth of a mile, or 60 feet longer than the liner United States.

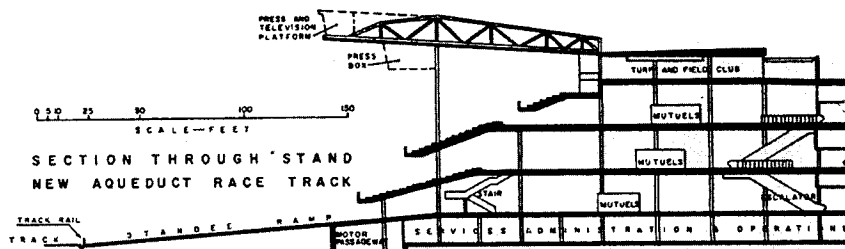
In height, it is 110 feet—equivalent to a 10-story building.

In depth, it is 350 feet—greater than a home run smash along the foul line of many major league ball parks.

Put all these statistics together and Aqueduct emerges as a racing plant capable of handling 80,000 persons in greater comfort than most tracks now handle half that number. Each of the 20,000 track-side seats in the grandstand-clubhouse is under cover and each has an unobstructed view. There are thousands of additional seats in beautiful gardens, terrace and lounge areas.

On the track side, a standee ramp continues at a 5-degree slope for 40 feet under the stands, providing standing room under cover for an additional 18,000 persons, each with a full view of the entire racing oval.

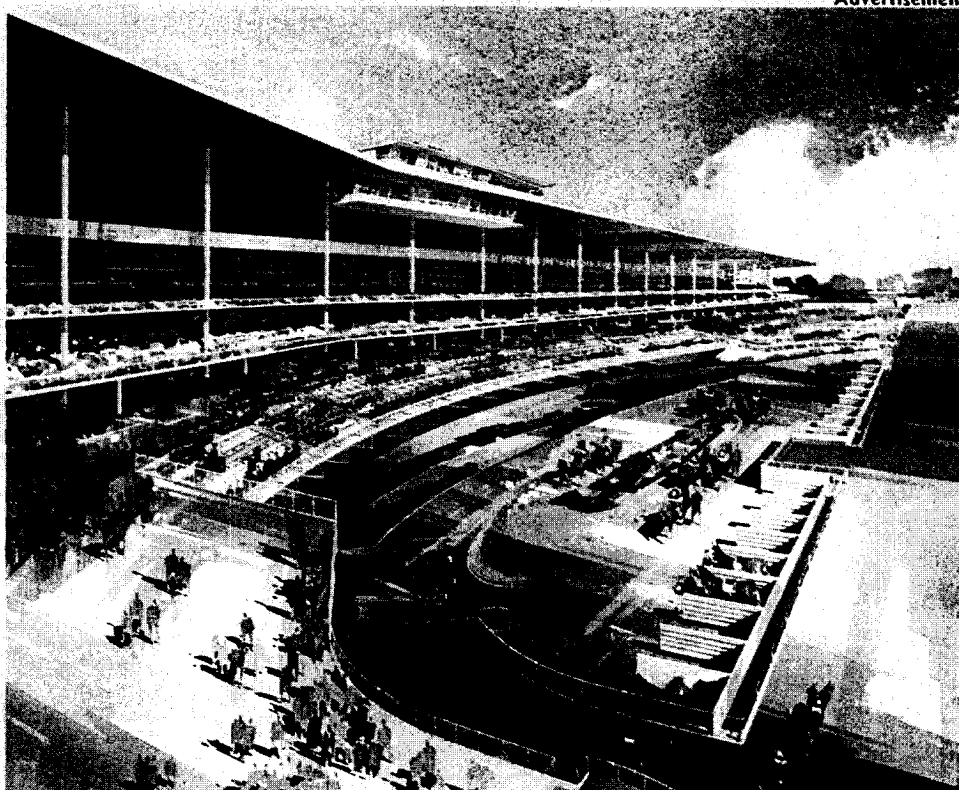
But space is not the only feature that makes Aqueduct unique. Equally important is the profuse use of color. In place of the dull monotonous found at



Advertisement



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Paddock and winner's circle are in front of grandstand-clubhouse, making it possible for spectators to watch saddling from their seats. Aqueduct paddock is first ever built on two levels, lower level being used for rainy weather saddling.

Purebred Racing!

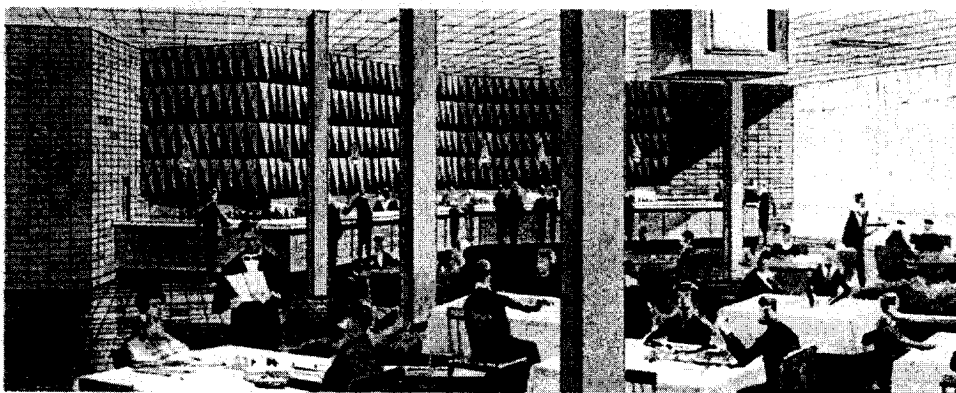
I could handle 80,000 spectators

most tracks, 200 different shades have been used to give Aqueduct a gay, holiday feeling. The architects were Arthur Froehlich and Associates.

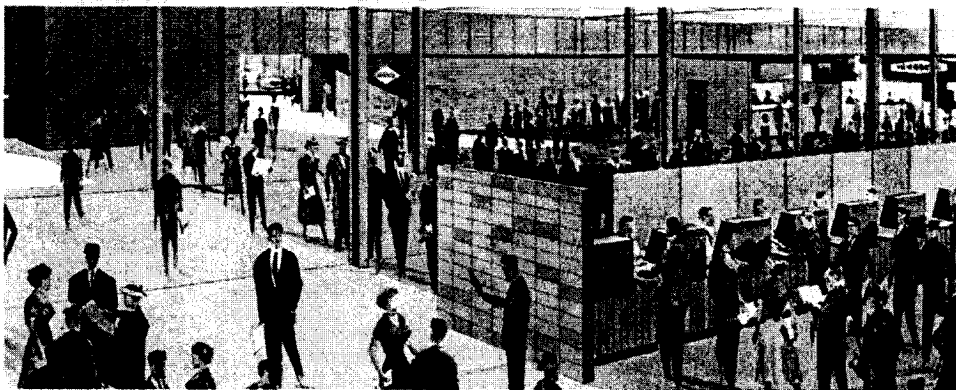
In all, there are 738 pari-mutuel windows at Aqueduct—more than at any other track—which means that long waits in front of the pari-mutuel machines are a thing of the past. All betting windows are in "islands"; thus, the track's 350-foot depth makes for an easy flow of traffic.

The paddock in front of the grandstand-clubhouse will be one of the most popular innovations at Aqueduct since it will permit fans to remain in their seats and still see the saddling. This will eliminate the long walk to the paddock required at most tracks, as well as provide constant activity for the spectators.

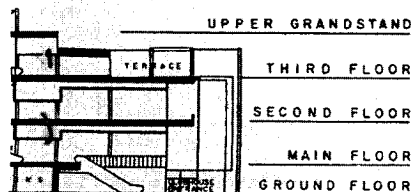
Aqueduct has gone a step further and
(Continued on Page 14)



Man o' War Room in clubhouse provides luxurious bar, lounge and dining facilities. Closed circuit TV brings view of race while dining. Other dining places are Manhattan Terrace and Garden Lounge. There also are 62 bars and buffets.



All 738 betting windows are located in "islands", insuring easy movement of crowds. Internal transportation consists of eighteen escalators and nine elevators—the largest number ever provided at any race track in the United States.



Advertisement

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By W. C. Heinz

THERE'S been a revolution in New York State that should interest taxpayers, legislators, horse lovers and horse-racing fans throughout the United States. All the profit in Thoroughbred racing in New York now goes to the state or to improvement of the tracks, thanks to a concept unique in American legislation, big business and sport.

Three years ago a group of highly respected, public-spirited men organized a non-profit corporation, the New York Racing Association, to buy the four Thoroughbred race tracks in New York. They operate these tracks without a cent of compensation; it is a plan that should have wide appeal in an era when all state governments are on the prowl for new sources of revenue.

These men all have an affection for the Thoroughbred horse. Most of them breed horses; many have racing stables. Together they compose a board of trustees unmatched in wealth

and prestige.

The honorary chairman is George D. Widener, prominent in racing for the past 25 years and former president of Belmont Park. The president is John W. Hanes, a former Under Secretary of the Treasury, who retired last year as chairman of the finance committee of the Olin Mathieson Chemical Corp., but who still serves on the boards of one New York bank and six corporations.

Other Officers

The treasurer and vice-president is Christopher T. Chenery, a utilities magnate. Among the other vice-presidents are Alfred G. Vanderbilt, Ogden Phipps, Harry F. Guggenheim, senior partner of the mining and metallurgical firm of Guggenheim Brothers, former ambassador to Cuba and president of the Daniel and Florence Guggenheim foundations.

The 20 trustees also include John Hay Whitney, since 1956 ambassador to Great Britain; Robert J. Kleberg, Jr., president of the 823,000-acre King Ranch in Texas; George M. Humphrey, Cleveland steel corporation executive and former Secretary of the Treasury, and John W.

Galbreath, the Columbus, Ohio, realtor and builder and co-owner of the Pittsburgh Pirates. A nine-member executive committee meets each week and the board twice a month. The trustees receive no compensation and are not even reimbursed for personal expenses they incur.

What brought these men together and motivated their revolutionary action? For the last decade in this country Thoroughbred racing has been gaining on baseball as a spectator sport. Last year the 32,999,842 fans who paid their way into race tracks exceeded by almost half a million the number who attended major and minor league baseball games. But in New York State, where the first race meeting on this continent was held in 1665, the condition of racing was deplorable.

Belmont Last New Track

No new track had been built in the state since Belmont Park was erected in 1905. Private ownership was saddled with back-breaking legislation and weighted down with its own lassitude. New York Thoroughbred racing seemed doomed to become second class. Under New

New York's Revolution in Horse Racing

A unique plan by which all the profits from race tracks are returned to the state and its taxpayers

York law the "take" from pari-mutuel betting—the amount deducted from each bet and divided between the state and the track—is 15 percent. For years state legislators have sought to appropriate ever larger portions of this revenue.

In New York 11 percent of the take went to the state and local governments and only four percent to the track, except at Saratoga, where the division was ten and five. This meant that New York track owners were allowed a smaller share of the profits than their counterparts in any of the 23 other states in which race-track betting is legal.

Losing Business

As a result New York track owners found the returns from their investments so reduced that they could not make major plant improvements. They were losing customers to New Jersey.

The revolt started in August, 1953, at a dinner of the Jockey Club at Saratoga. Harry Guggenheim described New York racing as "a disgrace"—and heard the austere Jockey Club members actually applauding. Ashley T. Cole, chairman of the New York State Racing Com-

mission, said that if one did not remedy the situation his commission would have to. A committee consisting of Hanes, Guggenheim and Chenery was formed to seek a remedy.

"I went to three New York tracks the way the average person does," says Hanes, a dynamic man of 66. "I went by train and by bus, bought my ticket to the grandstand, watched the fans placing their \$2 bets and tried to get a hot dog for lunch. To say the least, it was uncomfortable. If you didn't get there before the first race you had no place to sit. We were packed in like sardines and you moved with the crowd because you couldn't move against it. There was nothing the track owners could do about it because the state wouldn't give up part of its revenue."

Developed Plan

After 13 months of study the committee came up with a plan. A non-profit corporation would be formed to purchase and operate the four tracks (Belmont, Aqueduct, Saratoga and Jamaica), and to borrow the funds to make the necessary large-scale improvements. With only the state and its taxpayers

(Continued on page 14)

HORSE SENSE PAYS OFF IN PAINTING, TOO!

Top quality paint looks better,
lasts longer, costs less over the long stretch

THAT'S WHY AQUEDUCT USED



IN FACT,

over 20,000 gallons of different types of Merkin Paints were used at Aqueduct to protect and decorate just about everything from grandstands to clubhouse doors.

Paints

Over 200 up-to-the-minute colors used!

Aqueduct is truly a show place... the most modern and beautiful of all racing tracks. Merkin's unusually large selection of decorator colors—Aqueduct Blue, for example—made the choice of Merkin Paints a happy one for everyone concerned.

Remember: Merkin Paints have been awarded the Good Housekeeping seal... your guarantee of satisfaction or money back.



Here's how Aqueduct used Merkin Paints...
and how you can, too.

MERKRYLIC EXTERIOR FLAT LATEX PAINT was used for the outside concrete and interior cinderblock of the main grandstand. You can get wonderful, colorful results on stucco walls, weathered asbestos shingles and siding, masonry walls and foundations.

MERKIN'S LEAD & ZINC, highest-quality exterior gloss paint, was used over Merkin's No. 289 Galvanized Primer for wall posts and steelwork of the grandstand. You get a long-lasting, mildew-resistant paint job on all exterior wood surfaces (or as a finish coat over a metal primer) with Merkin's Lead & Zinc.

MERCOTONE VELVET FLOW FLAT ENAMEL was used for walls and ceilings in the clubhouse and in offices. Made with a pure alkyd base, odor-free MERCOTONE applies quickly by brush or roller, and is super-washable. And, with the Merkin Miracle Matcher you have your choice of over 1000 of the "most wanted colors in America."

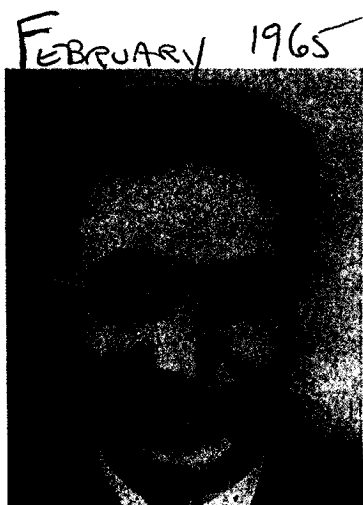
MERKIN'S INTERIOR SEMI-GLOSS was used for window, door and other wood and metal trim. You can choose from this and other Merkin Paints just the color and finish you need for your trim, inside and out.



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THE M. J. MERKIN PAINT CO., 1441 Broadway, New York, N. Y.



Old Timer's Corner

SOME of you may not immediately identify the dark-haired youngster whose beaming kisser appears in the accompanying photograph. It is none other than Fred (the Voice) Capossela, whose crisp, clear-cut diction is better known to most New York racegoers than any other sound except the rustle of mutuel tickets.

"It is now post time" is a phrase better remembered by horseplayers than "Don't give up the ship . . . we still owe four payments." Cappy is a prominent broadcaster, and has replaced the late Clem McCarthy as a spokesman for thoroughbred classics over national networks.

Capossela is a little guy in stature, but a big man around the Big A. He makes as much money as anyone in the game, and never bets a dime. There is little doubt that most announcers cannot wager and successfully describe a race in which they are financially and emotionally involved.

Completing 30 years of announcing at major race tracks, Cappy recently admitted to witnessing some 60,000 races. He insists, as does this writer, that Count Fleet was the best racehorse he ever saw run, even though Kelso and many others would be close up on the list.

Starting his turf career as a racing reporter, he had a journalism background which began in New York University. He worked on the old Brooklyn Daily Eagle with such writers as Bill Vreeland and the stylistic Rian James, who later went to Hollywood at a five-figure salary. Nelson Harding, the Pulitzer-prize winning editorial cartoonist, was another eminent member of the staff at that time. All in all, the paper that once employed Walt Whitman was not a bad daily with which to tackle the metropolitan racing scene, and Cappy learned much from his days with the Eagle and subsequent tenure with the old New York Post.

Frank Ortell, one-time president of the New York Turf Writers Association, recommended Capossela for the first "calling job" he had with NBC. From there it was a fast step into the post vacated by the impeccable Bryan Field, who called the races for New York before he shipped to Delaware as general manager of that plant.

Field was a good man, whose British

reference to the Workout Evaluation Chart earlier in this article will indicate that Dandy Doll's workout in the mud in 23:3 was 2:3 seconds faster than the chart, while Balacaire's race on fast track was but 1:0 second faster than the chart. Dandy Doll had the faster time and became the selection. She finished three-quarters of a length in front of Balacaire and paid \$15.20.

With a total of 21 races run by the baby two-year-olds during January, it was possible to select 13 winners. Nineteen of the selections placed while 20 of them finished in the money. This would indicate rather formful racing on the part of the baby racers, if their workouts and speed ratings are carefully studied.

accent was belied by his Brooklyn birth, but Capossela has no accent of any kind. Occasionally, his rather high-pitched inflections border on the hysterical, but he is generally free from the emotion that slurs and mars even the better race-calling at most tracks. He never runs two words together, and he uses an identical pattern when describing a race. He unhurriedly calls every horse in the race, and stops the call at the stretch. He never calls up to the wire, as some announcers attempt to do.

An announcer can look mighty foolish after a photo finish if he sticks his neck out by naming the wrong winner. Cappy never calls an opinion, only the race as it is being run. He avoids any controversial speculations, and sticks to facts when recounting the actual race for a TV or radio audience.

Cappy Ready for Final 'It's Now Post Time'

EXHIBIT B-14

The close of the New York thoroughbred racing season on Wednesday will see the departure from the Big Apple team of one of its staunchest and most well known members.

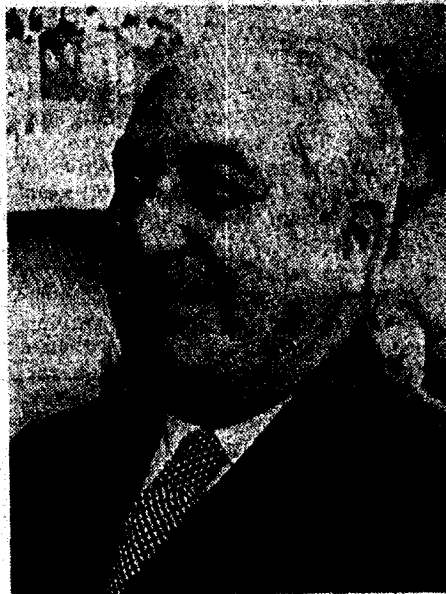
Track announcer Fred Capossela, who has given the familiar call, "It is now post time," more than 80,000 times during the past 37 years, is retiring and it looks as though he's going to be busier than ever. Cappy will divide his time between his homes in Baldwin and Florida on such projects as writing a book, making a record album, doing commercials and expanding his extensive stamp and coin collections.

Born in Brooklyn 70 years ago, Capossela graduated from P.S. 35 and Boys High. His first job was on the Brooklyn Eagle keeping the index numbers of the horses and in 1926 he went to the Evening Post as turf editor, where his eight-year tenure was ended by the depression.

His next job was at Narragansett cashing winning tickets for \$5 a day and typing overnights at \$8 a day. That winter of 1934, Cappy went to Florida, where he got three days a week at \$8 a day in the mutuels at Tropical Park. Having displayed his adeptness at calling the races for friends from the old Aqueduct balcony, he was offered a chance to fill in for the regular announcer the last two weeks of the season. That association was to last 25 years and he also added Hialeah to keep him busy in the winters. Eventually the extended New York racing season made it impossible to continue his stint with Tropical, and he retired from Hialeah last year.

In 1940 he became assistant to announcer Bryan Field at the New York tracks and, when the latter became general manager of Delaware Park in 1943, Cappy took over.

Highly regarded for his unique style and for the accuracy of his racing calls, Capossela long ago devised his own system for memorizing the horses in each contest. For approximately four minutes before each race, as the thoroughbreds



FRED CAPOSSELA

name of each contender, repeats it backward and forward a few times and then is ready to flip the switch and take up his binoculars for the call. Afterwards he promptly forgets the whole thing so he can start fresh in the next event.

Cappy has seen the best of them in action in his more than three decades at Aqueduct, Belmont and Saratoga. Among the races he recalls most vividly was the 1962 Travers at Saratoga when Jaipur and Ridan ran nose and nose for a mile and a quarter and, of course, the famous triple dead heat in the 1944 Carter at Aqueduct involving Brownie, Bossuet and Wait A Bit.

Capossela's successor will be 30-year-old David Johnson, a native of St. Louis, Mo., who was introduced to the sport by his grandparents at the age of four. Dave paid for his college tuition at Southern Illinois University by announcing at Cahokia Downs and Fairmount and followed Cappy at Hialeah. He has been calling several races each day during the

ART FOR NYRA FEATURE
THE FABULOUS BIG A: FIRST TEN YEARS

FOR RELEASE SUNDAY, OCT. 19
AND THEREAFTER

AQUEDUCT - LATE 1930S

In ensuing decades after its modest beginning, Aqueduct underwent enlargement and many improvements were added. This is the way the track looked in the late 1930s as seen from balcony of jockeys' quarters beyond clubhouse turn (foreground). At left, Long Island Rail Road, whose trains ran directly behind stands and served track. To right of covered stands were open bleachers. Old bus on track in front of stands took racing officials to their posts. Track was closed after 1955 season to make way for new \$34,500,000 facility.

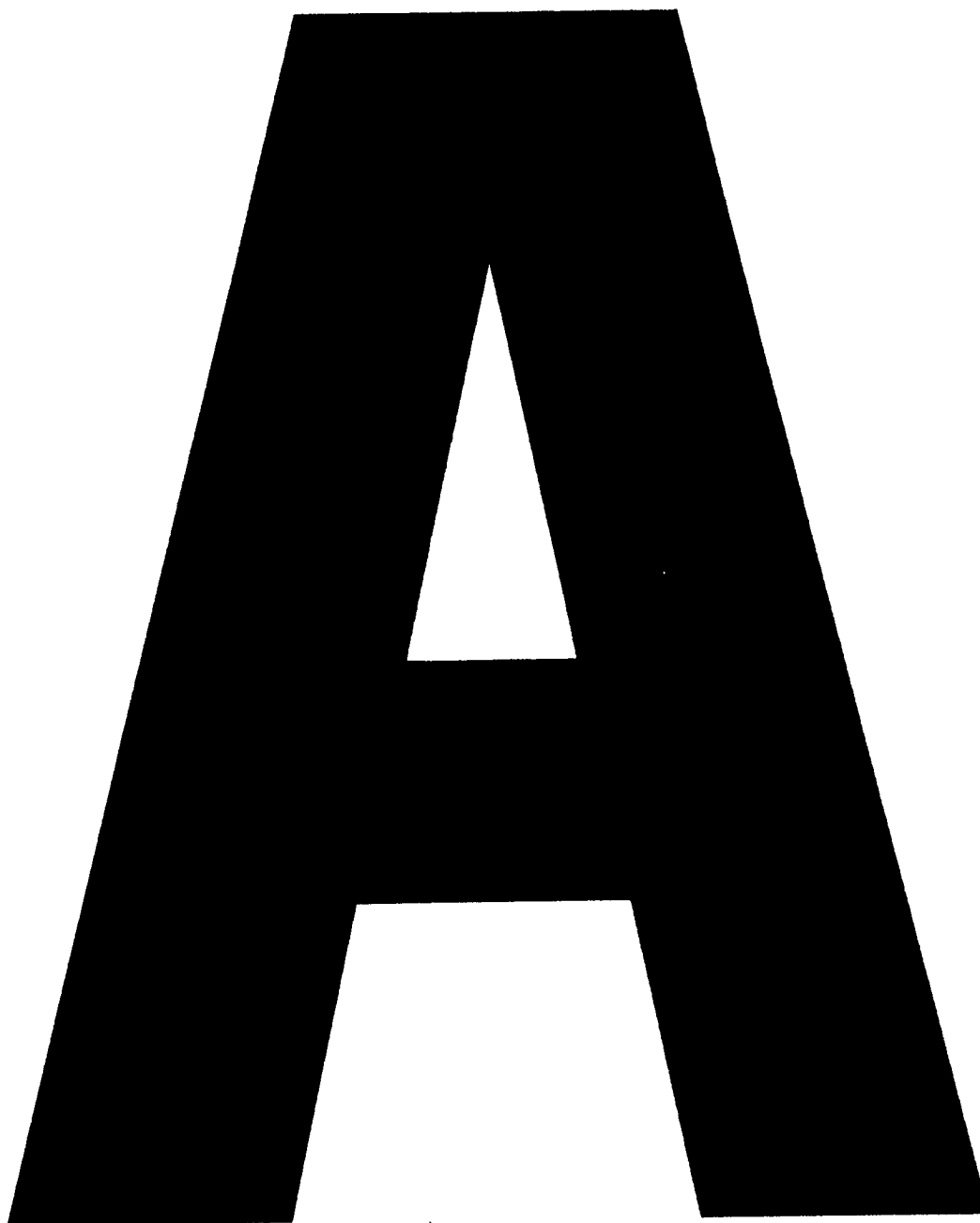
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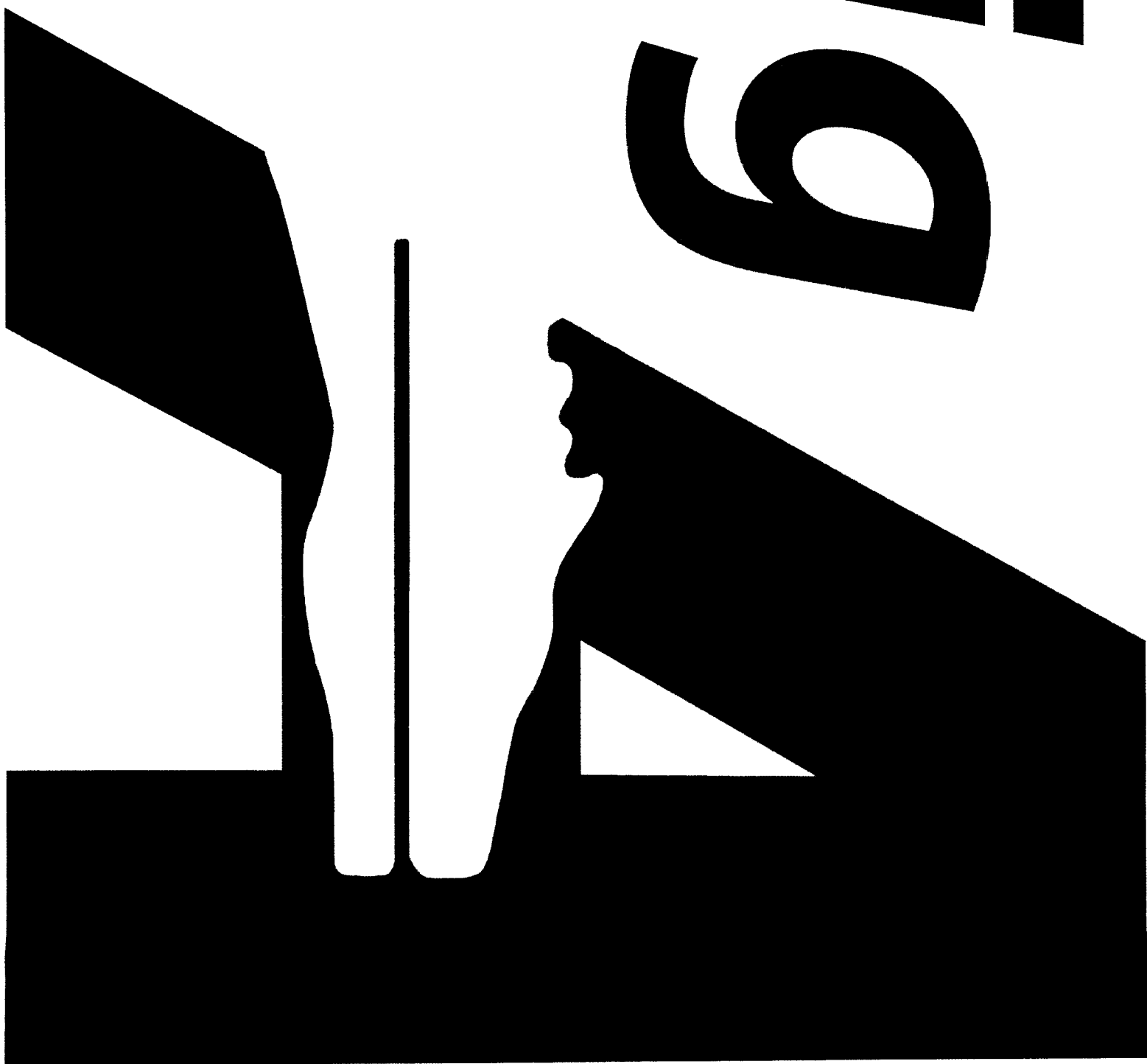


EXHIBIT C



